



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NEW YORK 10007

JOSEPH M. HIRAOKA, JR.
Senior Counsel
jhiraoka@law.nyc.gov
Phone: (212) 356-2413
Fax: (212) 356-1148

February 26, 2024

BY ECF

Honorable Marcia M. Henry
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Adam White v. Sholem Klein et al., 23 CV 6924 (RER)(MMH)

Your Honor:

I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York, Sergeant Barrett, Sergeant Klenke, Officer Ali, Officer Kaur, Officer Phillips, Officer Rebolledo Cortes, and Officer Ullah ("City defendants"). Pursuant to the Court's December 26, 2023 Order, the parties submit this joint status report regarding progress with discovery and settlement discussions.

The parties have served their initial disclosures, document requests and interrogatories, and responses to document requests and interrogatories. City defendants noticed plaintiff's deposition and the parties will schedule it on a mutually convenient date for all parties. Plaintiff has noticed Defendant Klein's deposition to take place on March 21, 2024, and will notice the City Defendants' depositions after the Court rules on the pending consent motion to extend the deadlines in the case.

On February 21, 2024, plaintiff had a separate meet and confer with Defendant Klein and with City defendants regarding what plaintiff alleges are deficiencies in defendants' discovery responses. During the meet and confer, the City defendants advised they would provide the verifications to their response to interrogatories by March 15, 2024, and would advise which of their discovery responses they would be willing to amend or supplement without motion practice by February 28, 2024.

Defendant Klein agreed to provide a verification to his interrogatory response by March 15, 2024. Defendant Klein also agreed to take plaintiff's concerns about its discovery responses

under advisement, and supplement those items it deemed appropriate by March 15, 2024. Defendant Klein also agreed to a follow-up meet and confer to discuss remaining any remaining issues on March 18, 2024.

The City defendants will contact plaintiff regarding any deficiencies in plaintiff's discovery responses by February 29, 2024.

Based on the parties' pending discovery issues, plaintiff filed an application on February 23, 2024 requesting a 60-day extension of all deadlines. All parties consented to plaintiff's application, which is pending before the Court.

The parties have only had preliminary settlement discussions at this time.

Thank you for your consideration herein.

Respectfully submitted,

Joseph M. Hiraoka, Jr.

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Senior Counsel

Special Federal Litigation Division

cc: All Counsel (by ECF)